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9 Attorneys for Plaintiffs

10 **IN THE UNITED STATES DISTRICT COURT**

11 **FOR THE DISTRICT OF ARIZONA**

12 IN RE BARD IVC FILTERS PRODUCTS
13 LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

14 Karen Sapp, an individual,

Civil Action No.: 2:16-cv-01648-PHX-
DGC

15 Plaintiff,

16 v.

**FIRST AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS**

17 C.R. Bard, Inc., a corporation, and Bard
18 Peripheral Vascular, Inc., an Arizona
19 corporation,

20 Defendants.

21 Plaintiff(s) named below, for their Complaint against Defendants named below,
22 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

23 Plaintiff(s) further show the Court as follows:

24 1. Plaintiff:

25 Karen Sapp

1 2. Spousal Plaintiff or other party making loss of consortium claim:

2 N/A

3 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
4 conservator):

5 N/A

7 4. Plaintiff's state(s) [if more than one Plaintiff] of residence at the time of
8 implant:

9 Florida

11 5. Plaintiff's state(s) [if more than one Plaintiff] of residence at the time of
12 injury:

13 Florida

15 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

16 Florida

17 7. District Court and Division in which venue would be proper absent direct
18 filing:

19 Middle District of Florida

21 8. Defendants (check Defendants against whom Complaint is made):

22 C.R. Bard Inc.

23 Bard Peripheral Vascular, Inc.

24 9. Basis of Jurisdiction:

25 Diversity of Citizenship

27 Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master
Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
a claim (Check applicable Inferior Vena Cava Filter(s)):

X Recovery® Vena Cava Filter

 G2® Vena Cava Filter

G2® Express Vena Cava Filter

□ G2® X Vena Cava Filter

Eclipse® Vena Cava Filter

Meridian® Vena Cava Filter

□ Denali® Vena Cava Filter

Other:

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December 22, 2004

12. Counts in the Master Complaint brought by Plaintiff(s):

X Count I: Strict Products Liability – Manufacturing Defect

X Count II: Strict Products Liability – Information Defect (Failure to Warn)

1 X Count III: Strict Products Liability – Design Defect

2 X Count IV: Negligence - Design

3 X Count V: Negligence - Manufacture

4 X Count VI: Negligence – Failure to Recall/Retrofit

5 X Count VII: Negligence – Failure to Warn

6 X Count VIII: Negligent Misrepresentation

7 X Count IX: Negligence *Per Se*

8 X Count X: Breach of Express Warranty

9 X Count XI: Breach of Implied Warranty

10 X Count XII: Fraudulent Misrepresentation

11 X Count XIII: Fraudulent Concealment

12 X Count XIV: Violations of Applicable Florida Law Prohibiting

13 Consumer Fraud and Unfair and Deceptive Trade Practices

14

15

16

17 Count XV: Loss of Consortium

18 Count XVI: Wrongful Death

19 Count XVII: Survival

20 X Punitive Damages

21

22 Other(s): _____ (please state the facts

23 supporting this Count in the space immediately below)

1 _____
2 _____

3 13. Jury Trial demanded for all issues so triable?

4 X Yes

5 - No

6
7 RESPECTFULLY SUBMITTED this 13th day of July, 2016.

8 **LOWE LAW GROUP**

9 By: /s/ Jonathan Peck
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11 Jonathan Peck (UT 14747)
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20
21 *Attorneys for Plaintiffs*

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23 **CERTIFICATE OF SERVICE**

24 I hereby certify that on this 13th day of July, 2016, I electronically transmitted the
25 attached document to the Clerk's Office using the CM/ECF System for filing and
26 transmittal of a Notice of Electronic Filing.
27

28 /s/ Jonathan Peck